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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,305	04/13/2004	Richard Schenker	10559/927001/P18716	5971
20985	7590	10/27/2005	EXAMINER	
FISH & RICHARDSON, PC 12390 EL CAMINO REAL SAN DIEGO, CA 92130-2081			CHOI, WILLIAM C	
		ART UNIT	PAPER NUMBER	
			2873	

DATE MAILED: 10/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/824,305	SCHENKER, RICHARD
	<b>Examiner</b>	<b>Art Unit</b>
	William C. Choi	2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 August 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 10, 12, 14-17, 24, 25, 29 and 30 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 10, 12 and 14-17 is/are allowed.
- 6) Claim(s) 24, 25, 29 and 30 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 13 April 2005 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### *Examiner's Comment*

Examiner attempted to contact attorney, Scott Harris, on several occasions (voicemail – 9/28/2005 @ 8:20pm; voicemail – 9/29/2005 @ 4:41pm and left message with his secretary – 10/11/2005@ 2:45pm) in order to possibly resolve rejectionable material under USC 112. However, attorney was unable to return the phone calls resulting in this Final Rejection.

### *Claim Rejections - 35 USC § 112*

Claims 24, 25, 29 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically in regard to claim 24, applicant discloses in lines 11-12, applicant discloses, "wherein **the parameter** is related to the second polarization state". However, applicant does not disclose any previous reference to a "parameter" and to what function it serves towards the invention, thereby rendering the claim vague and indefinite. A similar situation exists in lines 10-11 and 13-14 of claim 25, where limitations for "**the parameter**" are disclosed. For the same reasons set forth previously, claim 25 is rendered vague and indefinite.

For purposes of examination, it was assumed that applicant meant to include the limitations of cancelled claim 22, wherein said method further comprises "detecting a parameter related to one or more characteristics of the transmitted light."

Regarding claims 29 and 30, applicant discloses wherein said claims are respectively dependent on **cancelled claims 26 and 27**, rendering the claims vague and indefinite. For purposes of examination, claim 29 was assumed to comprise the limitations of cancelled claim 26 and claim 30 to comprise the limitations of claims 26 and 27.

#### ***Allowable Subject Matter***

Claims 10, 12, 14-17 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to teach a combination of all the claimed features as presented in claim 10: a lithography system comprising a polarization modulator and a stress modulator as claimed, specifically wherein the polarization profile exhibits substantially azimuthal symmetry.

The prior art fails to teach a combination of all the claimed features as presented in claim 12: a lithography system comprising a polarization modulator and a stress modulator as claimed, specifically wherein the lithography system comprises an immersion lithography system.

The prior art fails to teach a combination of all the claimed features as presented in claim 14: a lithography system comprising a polarization modulator and a stress

modulator as claimed, specifically wherein the stress modulator is configured to apply stress using expansion.

The prior art fails to teach a combination of all the claimed features as presented in claim 15: a lithography system comprising a polarization modulator and a stress modulator as claimed, specifically wherein the stress modulator is configured to apply stress by heating at least one of the stress modulator and the polarization modulator.

The prior art fails to teach a combination of all the claimed features as presented in claim 16: a lithography system comprising a polarization modulator and a stress modulator as claimed, specifically wherein the stress modulator is configured to apply stress by cooling at least one of the stress modulator and the polarization modulator.

The prior art fails to teach a combination of all the claimed features as presented in claim 17: a lithography system comprising a polarization modulator and a stress modulator as claimed, specifically wherein said system further comprises another stress modulator in communication with another polarization modulator, the another stress modulator to apply stress to the another polarization modulator.

Claims 24, 25, 29 and 30 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action, **taking into account the assumption made in the examination of the claims.**

The prior art fails to teach a combination of all the claimed features as presented in claim 24: a method of modifying the polarization of light comprising detecting a parameter related to one or more characteristics of transmitted light as claimed, specifically wherein the parameter is based on the second different polarization profile.

The prior art fails to teach a combination of all the claimed features as presented in claim 25: a method of modifying the polarization of light comprising detecting a parameter related to one or more characteristics of transmitted light as claimed, specifically wherein the parameter is based on the pattern.

The prior art fails to teach a combination of all the claimed features as presented in claim 29: a polarization control apparatus comprising a controller configured to receive a signal based on a parameter in communication with a stress modulator as claimed, specifically wherein the parameter is based on the second different polarization profile.

The prior art fails to teach a combination of all the claimed features as presented in claim 30: a polarization control apparatus comprising a controller configured to receive a signal based on a parameter in communication with a stress modulator as claimed, specifically wherein the parameter is based on the pattern.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Choi whose telephone number is (571) 272-2324. The examiner can normally be reached on Monday-Friday from about 9:00 am to 6 pm.

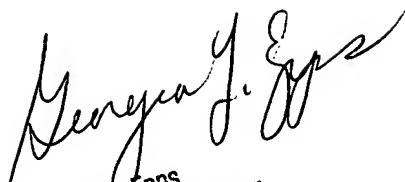
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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W.C.

William Choi  
Patent Examiner  
Art Unit 2873  
October 17, 2005

  
Georgia F. Epps  
Supervisory Patent Examiner  
Technology Center 2800